

Bay Area Air Quality Management District

**PROPOSED AMENDMENTS TO
REGULATION 3
FEES**

DRAFT STAFF REPORT

Prepared by

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September 3, 1998

Reviewed by

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EXECUTIVE SUMMARY

These proposed amendments will codify existing fee handling practices and eliminate the disused provisions of Regulation 3. The amendments are not intended to establish new fees for facilities or change the current fees paid by facilities.

District staff is proposing the following:

1. We propose to delete the provisions of Regulation 3 that are the result of the August 2, 1995 amendments to Regulation 3 that would have changed the handling of fee collection at the District to a monthly account billing system. The August 2, 1995 fee amendments were intended to establish a fee billing system including minimum monthly payments, overdue account fees, and monthly account invoices, however that proposed system was never implemented and has since been abandoned by the District. Because the monthly account billing system was never implemented, the fee handling practices which existed at the District prior to the August 2, 1995 amendments to Regulation 3 remained in effect.
2. We propose to reinstate Section 3-405 regarding delinquent payment of permit to operate fees that was deleted as part of the August 2, 1995 amendments to Regulation 3. Section 3-405 was deleted because of the District's intention to switch to a monthly account billing system with its own procedure for handling delinquent accounts. Because the monthly account billing system was never implemented, Section 3-405 should be reinstated to codify our existing procedure for handling delinquent payment of permit to operate fees.
3. We propose to delete the Employer Trip Reduction Program fees of Regulation 3, including Fee Schedule O, because that program (formerly Regulation 13, Rule 1) has been deleted from our rules. The District's ability to enact an employer trip reduction program is preempted by state law. Regulation 13, Rule 1 is nullified as of January 1, 1996.

EFFECTIVE DATE

The effective date of the amendments proposed above is [insert date of adoption].

BACKGROUND

These proposed amendments will codify existing fee handling practices and eliminate the disused provisions of Regulation 3.

District staff is proposing the following:

1. We propose to delete the provisions of Regulation 3 that are the result of the August 2, 1995 amendments to Regulation 3 that would have changed the handling of fee collection at the District to a monthly account billing system. The August 2, 1995 fee amendments were intended to establish a fee billing system including minimum monthly payments, overdue account fees, and monthly account invoices, however that proposed system was never implemented and has since been abandoned by the District. Because the monthly account billing system was never implemented, the fee handling practices which existed at the District prior to the August 2, 1995 amendments to Regulation 3 remained in effect.
2. We propose to reinstate Section 3-405 regarding delinquent payment of permit to operate fees that was deleted as part of the August 2, 1995 amendments to Regulation 3. Section 3-405 was deleted because of the District's intention to switch to a monthly account billing system with its own procedure for handling delinquent accounts. Because the monthly account billing system was never implemented, Section 3-405 should be reinstated to codify our existing procedure for handling delinquent payment of permit to operate fees.
3. We propose to delete the Employer Trip Reduction Program fees of Regulation 3, including Fee Schedule O, because that program (formerly Regulation 13, Rule 1) has been deleted from our rules. The District's ability to enact an employer trip reduction program is preempted by state law. Regulation 13, Rule 1 is nullified as of January 1, 1996.

OVERVIEW OF RULE CHANGES

The complete text of the proposed changes to District Regulation 3, Fees, is included in the appendix to this document. The changes to the regulation are summarized below:

Deletion of the provisions of Regulation 3 that refer to the District's abandoned Employer Trip Reduction Program including Sections 101, 106, 228 through 231, 321,

Deletion of the provisions of Regulation that refer to the District's proposed implementation of the monthly account billing procedure for the collection of permit fees including Sections 232 through 236, 325, 326, 412 through 415.

Codify the current District policies on "Fees Not Paid" in Section 405 regarding authority to constructs, new permit to operates, renewal of permit to operates, and other fees.

RULE DEVELOPMENT PROCESS

At the August 2, 1995 Public Hearing the Board of Directors unanimously supported a staff recommendation to implement a new billing procedure for the collection of permit fees. This new billing procedure was proposed to be implemented along with the new Ingres databank system. Because of the delays the District has had with the implementation of the new Ingres databank system, the new billing procedure has been abandoned.

The proposed revisions to Regulation 3, Fees were discussed via a Public Workshop held on September 25, 1998. Staff have considered and addressed all comments made at the Public Workshop or provided to the District by October 3, 1998, including ____ written comments addressed to the Board of directors prior to the date of the workshop. All comments submitted in writing have received written responses.

ASSOCIATED IMPACTS

EMISSIONS IMPACTS

There will be no emission increases or decreases as a result of these proposed amendments.

ECONOMIC IMPACTS

The amendments are not intended to establish new fees for facilities or change the current fees paid by facilities. Therefore, the proposed amendments to Regulation 3 - Fees, by definition, are not expected to cause or create any adverse economic impacts.

The proposal will not establish new fees for facilities or change the current fees paid by facilities.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the CEQA Guidelines, 14 CCR 15000 et seq., require a government agency, such as the BAAQMD, that undertakes or approves a discretionary project to prepare documentation addressing the potential impacts of that project on all environmental media. If an agency's approval action on a project is considered exempt, CEQA does not apply.

The District's proposed fee increase is statutorily exempt from the requirements of the California Environmental Quality Act as stated in the CEQA Guidelines Section 15273: "CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies....." See *also* Public Resources Code Section 21800(b)(8).

CALIFORNIA HEALTH AND SAFETY CODE

Section 40728.5 of the Health and Safety Code requires districts to assess the socioeconomic impacts of amendments to regulations that, "...will significantly affect air quality or emissions limitations." This regulatory proposal does not fall within the scope of the an amendment that significantly affects air quality or emissions limitations. This section, therefore, does not apply.

Under Health and Safety Code Section 40920.6, the District is required to perform an incremental cost analysis for a proposed rule. This analysis is required, "Prior to adopting rules or regulations for best available retrofit control technology pursuant to Sections 40918, 40919, 40920, and 40920.5, or for a feasible measure pursuant to Section 40914....". The purpose of this section is to identify increments of technology that meet the emission reduction objectives of the proposed rule, where possible, and to calculate the cost-effectiveness of each increment. As this proposal does change regulatory standards or impose additional emission limitations, this section is not applicable.

AB 1061, which was signed by the Governor in September 1997 and became effective January 1, 1998, adds Section 40727.2 to the Health and Safety Code and imposes new requirements on the adoption, amendment, or repeal of air district regulations. The bill requires a district to identify existing federal and district air pollution control requirements for the equipment or source type affected by the proposed change in district rules. The district must then note any differences between these existing requirements and the requirements imposed by the proposed change. This fee proposal does not impose a new standard, make an existing standard more stringent, or impose new or more stringent administrative requirements. Section 40727.2 does not apply.

Pursuant to Health and Safety Code, Section 40727, regulatory amendments must meet findings of necessity, authority, clarity, consistency, non-duplication, and reference. The proposed amendments to Regulation are:

- Necessary to clarify and codify the District's procedures for collecting fees;
- Authorized by Health and Safety Code Sections 42311 and 40 CFR Part 70.9;
- Clear, in that the amendments are written so that the meaning can be understood by the affected parties;
- Consistent with other District rules, and not in conflict with any state or federal law;
- Not duplicative of other statutes, rules or regulation; and
- Implements and references Health and Safety Code Sections 42311 and 42364 and 40 CFR Part 70.9.

The proposed amendments have met all legal noticing requirements and have been discussed with interested parties. Staff recommends adoption of the proposed amendments.

APPENDIX A
TEXT OF PROPOSED REVISIONS TO REGULATION 3

REGULATION 3

FEEs

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REGULATION 3
FEES
(Adopted June 18, 1980)

3-100 GENERAL

3-101 Description: This regulation establishes fees to be charged for Hearing Board filings, for permits, banking, experimental exemptions, renewal of permits, ~~employee transportation survey processing, employer trip reduction plan review, employer trip reduction plan appeal,~~ costs of environmental documentation, asbestos operations, air toxics inventories, and soil aeration and underground tank removals.

(Amended 7/6/83; 11/2/83; 2/21/90; 12/16/92; 8/2/95)

3-102 Deleted July 12, 1989

3-103 Exemption, Abatement Equipment: Fees shall not be required for any piece of equipment whose sole function is to reduce the emission of contaminants to the atmosphere from a new, modified, or exempt source. Installation, modification, or replacement of abatement equipment on existing sources are subject to fees pursuant to Section 3-302.3. All abatement equipment will be exempt from annual permit renewal fees. (Added June 18, 1980; Amended June 4, 1986; July 1, 1998)

3-104 Deleted August 2, 1995

3-105 Exemption, Aeration of Contaminated Soil and Removal of Underground Storage Tank Operation Fees: Fees shall not be required, pursuant to Section 3-322, for operations associated with the aeration of contaminated soil and the removal of underground storage tanks if one of the following is met:

105.1 The tank removal operation is being conducted within a jurisdiction where the APCO has determined that a public authority has a program equivalent to the District program and persons conducting the operations have met all the requirements of the public authority.

105.2 Persons submitting a written notification for a given site have obtained an Authority to Construct or Permit to Operate in accordance with Regulation 2, Rule 1, Section 301 or 302. Evidence of the Authority to Construct or the Permit to Operate must be provided with notification as required by Regulation 8, Rule 40, Section 401 or 402.

(Adopted January 5, 1994)

3-106 ~~Exemption, Employer Trip Reduction Fees:~~ ~~The employer fees listed in Schedule O shall not be collected by the APCO from any school district (K-12).~~

~~(Adopted March 15, 1995)~~

3-200 DEFINITIONS

3-201 Cancelled Application: Any application which has been withdrawn by the applicant or cancelled by the APCO for failure to pay fees or to provide the information requested to make an application complete.

(Added June 18, 1980; Amended June 4, 1986; April 6, 1988)

3-202 Gasoline Dispensing Facility: Any stationary facility which dispenses gasoline directly into the fuel tanks of vehicles, such as motor vehicles, aircraft or boats. The facility shall be treated as a single source which includes all necessary equipment for the exclusive use of the facility, such as nozzles, dispensers, pumps, vapor return lines, plumbing and storage tanks.

(Amended February 20, 1985)

3-203 Filing Fee: A fixed fee for each source in an authority to construct.

(Added June 18, 1980; Amended June 4, 1986)

3-204 Initial Fee: The fee required for each new or modified source based on the type and size of the source. The fee is applicable to new and modified sources seeking to obtain an authority to construct. Operation of a new or modified source is not allowed until the permit to operate fee is paid. (Added June 18, 1980; Amended June 4, 1986)

- 3-205 Authority to Construct:** Written authorization from the APCO, pursuant to Section 2-1-301, for a source to be constructed or modified or for a source whose emissions will be reduced by the construction or modification of an abatement device.
(Amended June 4, 1986)
- 3-206 Modification:** See Section 1-217 of Regulation 1. (Added June 18, 1980)
- 3-207 Permit to Operate Fee:** The fee required for the annual renewal of a permit to operate or for the first year of operation (or prorated portion thereof) of a new or modified source which received an authority to construct. Annual fees are listed in Schedules B, C, D, E, F, H, I and K. This fee is applicable to all sources required to obtain permits to operate in accordance with District regulations. After the expiration of the initial permit to operate, the permit to operate shall be renewed on a yearly basis.
(Added June 18, 1980; Amended June 4, 1986; July 15, 1987)
- 3-208 Deleted June 4, 1986**
- 3-209 Small Business:** A business which meets all of the following conditions: The principal office must be in California; the officers must live in California; it must be independently owned and operated; it must not be dominant in its field of operation; it must not be an affiliate of a non-small business; if it is a non-manufacturer, it cannot employ over 25 persons nor can its annual receipts exceed \$1 million; if it is a manufacturer, it cannot employ over 50 persons nor can its annual receipts exceed \$5 million. (Added June 18, 1980; Amended June 4, 1986; June 6, 1990)
- 3-210 Solvent Evaporating Source:** Any source utilizing organic solvent, as part of a process in which evaporation of the solvent is a necessary step. Such processes include, but are not limited to, solvent cleaning operations, painting and surface coating, rotogravure coating and printing, flexographic printing, adhesive laminating, etc. Manufacture or mixing of solvents or surface coatings is not included.
(Added June 18, 1980; Amended July 3, 1991)
- 3-211 Source:** See Section 1-227 of Regulation 1. (Added June 18, 1980)
- 3-212 Deleted August 2, 1995**
- 3-213 Major Stationary Source:** For the purpose of Schedule M, a major stationary source shall be any District permitted plant, building, structure, stationary facility or group of facilities under the same ownership, leasehold, or operator which, in the base calendar year, emitted to the atmosphere organic compounds, oxides of nitrogen or oxides of sulfur, expressed as nitrogen dioxide and sulfur dioxide, respectively, in an amount calculated by the APCO equal to or exceeding 100 tons per year.
(Adopted November 2, 1983; Amended Feb. 21, 1990; June 6, 1990; Aug. 2, 1995)
- 3-214 Fabrication Area:** A physically identifiable area in a semiconductor manufacturing facility where one or more specific operations in the fabrication of semiconductors or related solid state devices occurs. Semiconductor fabrication includes all processing from crystal growth through circuit separation and encapsulation. Examples of semiconductor operations are: crystal growth, diffusion operations, photoresist operations, and wafer processing. (Adopted January 9, 1985)
- 3-215 Solvent Station:** Any operation in a semiconductor fabrication area whose primary purpose is to remove surface contaminants or excess photoresist using a liquid or vapor containing organic compounds. (Adopted January 9, 1985)
- 3-216 Wet Chemical Station:** Any work station in a semiconductor fabrication area in which inorganic compounds (acids, bases, salts) and/or aqueous solutions containing less than 10% (by volume) of water soluble organic compounds are used. Examples of wet chemical operations are: etching, chemical milling, tube cleaning, and acid cleaning and stripping. (Adopted January 9, 1985)
- 3-217 Siliconizing Reactor:** A semiconductor processing unit used for growing or depositing silicon on wafers. (Adopted January 9, 1985)
- 3-218 Chemical Vapor Deposition Reactor:** A semiconductor processing unit used for deposition on non-metallic layers such as silicon nitride and silicon dioxide on wafers. A vacuum deposition reactor is a reactor that is operated at a pressure well below atmospheric. (Adopted January 9, 1985)

- 3-219 Diffusion Furnace:** A semiconductor processing unit used for deposition and/or diffusion dopants. (Adopted January 9, 1985)
- 3-220 Alloy and Annealing Furnaces:** Semiconductor processing units used for wafer heat treatment processes. (Adopted January 9, 1985)
- 3-221 Oxidation Furnace:** A semiconductor processing unit used to oxidize the surface layer of a wafer. (Adopted January 9, 1985)
- 3-222 Photoresist Line:** Semiconductor manufacturing equipment used to apply, develop and bake photoresist. Process includes preparation (except primary cleaning), soft bake, develop and hard bake.
- 222.1 Photoresist Applicator: A semiconductor processing unit used to coat wafers with photoresist. Where multiple applicators (spinners) are enclosed in a single piece of equipment, each applicator will be counted for permit purposes.
- 222.2 Photoresist Developer: A semiconductor processing unit used to develop the photoresist after the photolithographic process. Where multiple developers are enclosed in a single piece of equipment, each developer will be counted for permit purposes. (Adopted January 9, 1985)
- 3-223 Start-up Date:** Date when new or modified equipment under an authority to construct begins operating. The holder of an authority to construct is required to notify the APCO of this date at least 3 days in advance. For new sources, or modified sources whose authorities to construct have expired, operating fees are charged from the startup date. (Adopted June 4, 1986; Amended June 6, 1990)
- 3-224 Permit to Operate:** Written authorization from the APCO pursuant to Section 2-1-302. A permit to operate expires one year after issuance unless specified otherwise. (Adopted June 4, 1986)
- 3-225 Minor Modification:** Any physical change or alteration to a source listed on Schedules G-3 or G-4 that will not increase emissions of any air contaminant. Such modifications may include alterations to improve energy and operational efficiency and those that reduce emissions. Alterations to increase actual or maximum production capacity shall not be considered minor modifications. Final determination of the applicability of this section shall be made by the APCO. (Adopted June 6, 1990)
- 3-226 Air Toxics "Hot Spots" Information and Assessment Act of 1987:** The Air Toxics "Hot Spots" Information and Assessment Act of 1987 directs the California Air Resources Board and the Air Quality Management Districts to collect information from industry on emissions of potentially toxic air pollutants and to inform the public about such emissions and their impact on public health. It also directs the Air Quality Management District to collect fees sufficient to cover the necessary state and District costs of implementing the program. (Adopted October 21, 1992)
- 3-227 Toxic Air Pollutant:** For the purpose of this fee regulation, a "toxic air pollutant" is any air pollutant that is included in the District's list of Toxic Air Pollutants and Emission Weighting Factors (Schedule N). (Adopted October 21, 1992)
- 3-228 Employer:** ~~See Section 13-1-212 of Regulation 13, Rule 1.~~ (Adopted December 16, 1992)
- 3-229 Employee Transportation Survey Processing Fee:** ~~A fee paid at the time of submittal of the employee transportation survey forms required by Regulation 13. The employee transportation survey processing fee is listed in Schedule O. This fee is applicable to all employers required to conduct employee transportation surveys and who submit these survey forms to the APCO for processing pursuant to Regulation 13. (Adopted December 16, 1992)~~
- 3-230 Employer Trip Reduction Plan Review Fee:** ~~A fee paid at the time of submittal of an Employer Trip Reduction Plan pursuant to Section 13-1-408 of Regulation 13, Rule 1. This fee applies both at the time of initial submittal as well as subsequent updates. This fee does not apply to the resubmittal of a disapproved Employer Trip Reduction Plan. The employer trip reduction plan review fee is listed in Schedule O. This fee is applicable to all employers required to submit Employer Trip Reduction Plans pursuant to Regulation 13. (Adopted December 16, 1992)~~

- 3-231** ~~**Employer Trip Reduction Plan Appeal Fee:** A fee paid at the time of a disapproved Employer Trip Reduction Plan pursuant to Section 13-1-409. The employer trip reduction plan appeal fee is listed in Schedule O. This fee is applicable to all employers who file appeals of disapproved Employer Trip Reduction Plans.~~
(Adopted December 16, 1992)
- 3-232** ~~**Account:** An itemization of all fees assessed to and payments received from a person.~~
(Adopted August 2, 1995)
- 3-233** ~~**Person:** For the purpose of this Regulation, a person shall be as defined in Regulation 1-221, who is subject to any District fee requirement.~~
(Adopted August 2, 1995)
- 3-234** ~~**Delinquent Account:** An account for which the minimum monthly payment has not been received by the due date on the monthly statement.~~
(Adopted August 2, 1995)
- 3-235** ~~**Statement:** A statement of a person's account activity for the past 30 days, including total account balance, overdue account balance and a minimum monthly payment.~~
(Adopted August 2, 1995)
- 3-236** ~~**Overdue Account Balance:** The sum of all fees not received by the District on or before the specified due date on the monthly account statement.~~
(Adopted August 2, 1995)
- 3-300** **STANDARDS**
- 3-301** **Hearing Board Fees:** Applicants for variances or those seeking to revoke or modify variances shall pay the applicable fees set forth in Schedule A.
- 3-302** **Fees for New and Modified Sources:** Applicants for authorities to construct and permits to operate new sources shall pay a filing fee of \$172 per source plus the initial fee and the permit to operate fee given in Schedules B, C, D, E, F, H, I or K. Applicants for authorities to construct and permits to operate modified sources shall pay a filing fee of \$172 per source plus the initial fee and any incremental increase in permit to operate fees given in Schedules B, C, D, E, F, H, I or K. Where more than one of the schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. Except for sources covered by Schedules D.1. and H, the size to be used for a source when applying the schedules shall be the maximum size the source will have after the construction or modification.
- 302.1 An applicant who qualifies as a small business shall pay one half of the filing fee and, if the source falls under schedules B, C, D.3., E, F, H, I or K, one half of the initial fee and the full permit to operate fee. If the source falls under schedule D.1., the applicant shall pay the full filing fee, the full initial fee and the permit to operate fee.
- 302.2 Deleted July 3, 1991
- 302.3 Applicants for an authority to construct and permit to operate abatement equipment where there is no other modification to the source shall pay a \$172 filing fee and an initial fee equivalent to 50% of the initial fee for the source being abated. For abatement devices abating more than one source, the initial fee shall be 50% of the initial fee for the source having the highest initial fee.
- 302.4 Applicants for a Permit to Operate reactivated, previously permitted equipment shall pay the full filing, initial, and permit fees.
- 302.5 Applicants for minor modifications to permitted sources subject to Schedules G-3 or G-4 shall pay filing fees and the initial and permit to operate fees specified under Schedule G-2. Permit renewal fees will continue to be charged under Schedules G-3 and G-4.
(Amended 5/19/82; 7/6/83; 6/4/86; 7/15/87; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98)
- 3-303** **Back Fees:** An applicant required to obtain a permit to operate existing equipment in accordance with District regulations shall pay back fees equal to the permit to operate fees given in the appropriate Schedule (B, C, D, E, F, H, I or K) prorated from the effective date of permit requirements. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. The maximum back fee shall not exceed five years' permit fees.
(Added 6/18/80; Amended 5/19/82; 7/6/83; 6/4/86; 7/15/87; 6/6/90; 7/3/91; 10/8/97)

- 3-304 Replacement:** Applicants who are replacing sources or equipment with non-identical equipment will pay the filing fee plus the initial fee and the permit to operate fee. For replacement with identical equipment only the filing fee will be paid.
(Added June 18, 1980; Amended June 4, 1986)
- 3-305 Cancellation or Withdrawal:** There will be no refund of initial and filing fees if an application is cancelled or withdrawn. However, if an application for identical equipment is submitted within six months of the date of cancellation or withdrawal, the initial fee will be credited in full against the fee for the new application.
(Added 6/18/80; Amended 7/6/83; 4/6/88; 10/8/97)
- 3-306 Change in Conditions:** If an applicant applies to change the conditions on an existing authority to construct or permit to operate, the applicant will pay the following fees. There will be no change in anniversary date.
- 306.1 Increases in Throughput: An applicant applying only for an increase in throughput of a material shall pay a fee equal to the applicable Permit to Operate fee, provided the following criteria are met:
 - 1.1 Increased throughput does not trigger any District Regulation or requirements not triggered by the original applications.
 - 1.2 The increased throughput does not require a new or additional risk screen for toxic compounds.
 - 1.3 The increased throughput does not exceed the level for minimum permit fees under the application fee schedule.
 - 306.2 Other Condition Changes: Applicant shall pay the filing and initial fees required for new and modified equipment under Section 3-302.
(Added 6/18/80; Amended 7/6/83; 6/4/86; 6/6/90; 10/8/97)
- 3-307 Transfers:** The owner/operator of record is the person to whom a permit is issued or, if no permit has yet been issued to a facility, the person who applied for a permit. Permits are valid only for the owner/operator of record. Permits are re-issued to the new owner/operator of record with no change in expiration dates.
(Added 6/18/80; Amended 2/20/85; 6/4/86; 11/5/86; 4/6/88; 10/8/97)
- 3-308 Change of Location:** An applicant who wishes to move an existing source which has a permit to operate shall pay no fee if the move is on the same facility. The applicant shall pay the filing fee, the initial fee and permit to operate fee if the move is not on the same facility.
(Added June 18, 1980; Amended July 6, 1983; June 4, 1986)
- 3-309 Duplicate Permit:** An applicant for a duplicate permit to operate shall pay a fee of \$20.00 per permit.
(Added June 18, 1980)
- 3-310 Fee for Constructing Without a Permit:** An applicant for an authority to construct and a permit to operate a source which has been constructed without an authority to construct shall pay the following fees:
- 310.1 Sources subject to permit requirements on the date of initial operation shall pay fees for new construction pursuant to Section 3-302, any back fees pursuant to Section 3-303 and a late fee equal to 100% of the initial fee. A source falling under Schedule D.1 that is not required to pay an initial fee shall pay a fee equal to 100% of the filing fee.
 - 310.2 Sources previously exempt from permit requirements which lose their exemption due to changes in District, state, or federal regulations shall pay a permit to operate fee for the coming year and any back fees pursuant to Section 3-303.
 - 310.3 Sources previously exempt from permit requirements which lose their exemption due to a change in the manner or mode of operation, such as an increased throughput, shall pay fees for new construction pursuant to Section 3-302. In addition, sources applying for permits after commencing operation in a non-exempt mode shall also pay a late fee equal to 100% of the initial fee and any back fees pursuant to Section 3-303.
(Amended 7/6/83; 4/18/84; 6/4/86; 6/6/90; 7/3/91; 8/2/95; 10/8/97)
- 3-311 Banking:** Any applicant who wishes to bank emissions for future use shall pay a filing fee of \$172 per source plus the initial fee given in Schedules B, C, D, E, F, H, I or K. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the

applicable schedules. Any applicant for the withdrawal of banked emissions shall pay a fee of \$172

(Amended 6/6/83; 6/4/86; 7/15/87; 7/3/91; 6/15/94; 7/1/98)

3-312 Emission Caps and Alternative Compliance Plans: Any facility which elects to use an alternative compliance plan contained in Regulation 8 ("bubble") to comply with a District emission limitation or to use an annual or monthly emission limit to acquire a permit in accordance with the provisions of Regulation 2, Rule 2, shall pay an additional annual fee equal to fifteen percent of the total plant permit to operate fee.
(Added May 19, 1982; Amended June 4, 1986)

3-313 Experimental Exemptions: Any applicant for an experimental exemption under Section 1-111 shall pay a fee of \$345 plus the initial fee given in Schedules B, C, D, E, F, H, I or K. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules.

(Adopted 7/6/83; Amended 6/4/86; 7/15/87; 7/3/91; 6/15/94; 7/1/98)

3-314 Deleted, August 2, 1995

3-315 Costs of Environmental Documentation: An applicant for an Authority to Construct a project for which the District is a lead agency under the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) shall pay, in addition to the fees required under Section 3-302 and in any applicable schedule, the District's costs of performing all environmental evaluation required pursuant to the California Environmental Quality Act, the District's costs in preparing any environmental study or Environmental Impact Report (including the costs of any outside consulting assistance which the District may employ in connection with the preparation of any such study or report), as well as the District's reasonable internal costs (including overhead) of processing and reviewing the required environmental documentation.

(Adopted December 18, 1985)

3-316 Deleted June 6, 1990

3-317 Asbestos Operation Fees: After July 1, 1988, persons submitting a written plan, as required by Regulation 11, Rule 2, Section 401, to conduct an asbestos operation shall pay the fee given in Schedule L.

(Adopted July 6, 1988; Renumbered Sept. 7, 1988, Amended Aug. 2, 1995)

3-318 Public Notice Fee, Schools: Pursuant to Section 42301.6(b) of the Health and Safety Code, an applicant for an authority to construct or permit to operate subject to the public notice requirements of Regulation 2-1-412 or 2-2-412 shall pay, in addition to the fees required under Section 3-302 and in any applicable schedule

318.1 a minimum fee of \$785 per application, and

318.2 the District's cost exceeding \$785 of preparing and distributing the public notice to the affected persons specified in Regulation 2-1-412 or 2-2-412.

(Adopted November 1, 1989; Amended October 8, 1997; July 1, 1998)

3-319 Major Stationary Source Fees: Any major stationary source emitting 100 tons per year of organic compounds, sulfur oxides, or nitrogen oxides shall pay a fee based on Schedule M. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities and shall be included as part of the annual permit renewal fees. (Adopted June 6, 1990, Amended Aug. 2, 1995)

3-320 Toxic Inventory Fees: Any stationary source that emits one or more potentially toxic air pollutants (listed in Schedule N) in quantities above a minimum threshold level shall pay an annual fee based on Schedule N. This fee will be in addition to permit to operate and other fees otherwise authorized to be collected from such facilities.

320.1 An applicant who qualifies as a small business under Regulation 3-209 shall pay a Toxic Inventory Fee as set out in Schedule N up to a maximum fee of \$5,000 per year.
(Adopted October 21, 1992)

3-321 Employers: ~~Employers subject to the requirements of Regulation 13 shall pay all applicable fees based on Schedule O. These fees are in addition to permit and other fees authorized to be collected from facilities owned and operated by the employer.~~

(Adopted Dec. 16, 1992, Amended Aug. 2, 1995)

- 3-322 Aeration of Contaminated Soil and Removal of Underground Storage Tank Operation Fees:** Persons submitting a written notification for a given site to conduct either aeration of contaminated soil or removal of underground storage tanks as required by Regulation 8, Rule 40, Section 401 or 402, shall pay a fee based on Schedule Q. (Adopted January 5, 1994, Amended Aug. 2, 1995)
- 3-323 Pre-Certification Fees:** An applicant seeking to pre-certify a source, in accordance with Regulation 2, Rule 1, Section 415, shall pay the filing fee, initial fee and permit to operate fee given in the appropriate schedule. (Adopted June 7, 1995)
- 3-324 Registered Inter-District Portable Equipment Fees:** For a portable source that is initially registered in this District under the CAPCOA Portable Equipment Registration Rule, the owner or operator shall pay a registration fee equal to the applicable filing, initial and permit to operate fees, described in the applicable fee schedule of Regulation 3. For a portable source that is initially registered in another participating District, the owner or operator shall pay a registration fee equal to the permit to operate fee, described in the applicable fee schedule of Regulation 3. Sources still operating within the District twelve months following the date of initial operation shall pay an annual registration fee equal to the permit to operate fee, described in the applicable fee schedule of Regulation 3. (Adopted June 7, 1995)
- 3-325 ~~Minimum Monthly Payment:~~** ~~A person shall pay a minimum monthly payment. The minimum monthly payment shall not exceed the overdue account balance. The minimum monthly payment shall be the sum of the following:~~
- ~~325.1 The unpaid portion of the previous month's minimum monthly payments; and~~
 - ~~325.2 Any overdue account fee assessed pursuant to Section 3-326; and~~
 - ~~325.3 20% of the account balance or \$300.00, whichever is greater.~~
 - ~~325.4 For any account which has remained delinquent for more than one month, the minimum payment shall be the entire account balance.~~
 - ~~325.5 For any account that has been designated by the APCO pursuant to Section 3-415.4, the minimum payment shall be the entire account balance.~~
- ~~(Adopted August 2, 1995)~~
- 3-326 Overdue Account Fee:** Any person with an overdue account will be assessed a fee equal to one and one-half percent (1.5%) of the overdue account balance. The fee will be added to a person's account monthly. (Adopted August 2, 1995)
- 3-400 ADMINISTRATIVE REQUIREMENTS**
- 3-401 Permits:** Definitions, standards, and conditions contained in Regulation 2, Permits, are applicable to this regulation. (Added June 18, 1980)
- 3-402 Single Anniversary Date:** The APCO may assign a single anniversary date to a facility on which all its renewable permits to operate expire and will require renewal. Fees will be prorated to compensate for different time periods resulting from change in anniversary date. (Added June 18, 1980)
- 3-403 Change in Operating Parameters:** See Section 1-404 of Regulation 2. (Added June 18, 1980)
- 3-404 Exemptions:** No fee is required for any source listed as exempted in Regulation 2, Sections 1-111 and 1-112. (Added June 18, 1980)
- 3-405 Deleted August 2, 1995 Fees Not Paid:** If an applicant or owner/operator fails to pay the fees specified on the invoice by the due date, the following procedure(s) shall apply:
- 405.1 Authority to Construct: The application will be cancelled, but can be reactivated on payment of fees.
 - 405.2 New Permit to Operate: The Permit to Operate shall not be issued, and the facility will be notified that operation, including startup, is not authorized.
 - 2.1 Fees received during the first 30 days following the due date must include an additional fee equal to 50 percent of an annual Permit to Operate Fee.
 - 2.2 Fees received more than 30 days after the due date must include an additional fee equal to 100 percent of an annual Permit to Operate Fee.
 - 405.3 Renewal of Permit to Operate: The facility will be notified that the permit has lapsed and that further operation is no longer authorized. Reinstatement of lapsed Permits

to Operate will require the payment of reinstatement fees in addition to the Permit to Operate Fee.

3.1 Fees received during the first 30 days following the due date must include the Permit to Operate Fees for the period covered on the invoice plus a reinstatement fee equal to 50 percent of an annual Permit to Operate Fee.

3.2 Fees received more than 30 days after the due date, but less than one year after the due date, must include the Permit to Operate fees for the period covered by the invoice plus a reinstatement fee equal to 100 percent of an annual Permit to Operate Fee.

3.3 Fees received more than one year after the due date must include the Permit to Operate Fees, prorated from the date of reinstatement to the permit anniversary date, plus a reinstatement fee equal to an Initial Fee.

Permit to Operate Fees shall be calculated using fee schedules in effect at either the time of reinstatement or at the time additional fees are assessed under Section 405.2.

405.4 Other Fees: Persons who have not paid the fee by the invoice due date, shall pay a late fee in addition to the original invoiced fee;

4.1 Fees received during the first 30 days following the invoice due date must include a late fee of 50 percent of the original invoiced fee.

4.2 Fees received more than 30 days after the invoice due date must include a late fee of 100 percent of the original invoiced fee.

Fees shall be calculated using fee schedules in effect at the time of the fees' original determination.

(Added 6/18/80; Amended 7/6/83; 6/4/86, 11/5/86, 2/15/89; 6/6/90; 7/3/91, 8/2/95)

3-406 Deleted June 4, 1986

3-407 Deleted August 2, 1995

3-408 Permit to Operate Valid for 12 Months: A Permit to Operate is valid for 12 months from the date of issuance or other time period as approved by the APCO. A permit to operate fee is required annually for renewal of the permit to operate.

(Added June 18, 1980; Amended June 4, 1986)

3-409 Dry Cleaners: For the purpose of calculating permit fees the APCO shall consider a dry cleaner facility one source governed by Schedule I. (Adopted July 6, 1983)

3-410 Deleted August 2, 1995

3-411 Advance Deposit of Funds: The APCO may require that at the time of the filing of an application for an Authority to Construct for a project for which the District is a lead agency under the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), the applicant shall make an advance deposit of funds, in an amount to be specified by the APCO, to cover the costs which the District estimates to incur in connection with the District's performance of its environmental evaluation and the preparation of any required environmental documentation. In the event the APCO requires such an estimated advance payment to be made, the applicant will be provided with a full accounting of the costs actually incurred by the District in connection with the District's performance of its environmental evaluation and the preparation of any required environmental documentation.

(Adopted Dec. 18, 1985, Amended Aug. 2, 1995)

3-412 ~~Billing:~~ ~~The APCO shall invoice a person for all unpaid fees on a monthly basis. If a modified source starts up with time remaining on its former permit to operate, no additional operating fees are charged, and the old anniversary date will be retained on the new permit to operate.~~ (Adopted June 4, 1986, Amended Aug. 2, 1995)

3-413 Toxic "Hot Spots" Information and Assessment Act Revenues: No later than 120 days after the adoption of this regulation, the APCO shall transmit to the California Air Resources Board, for deposit into the Air Toxics "Hot Spots" Information and Assessment Fund, the revenues determined by the ARB to be the District's share of statewide Air Toxics "Hot Spot" Information and Assessment Act expenses.

(Adopted October 21, 1992)

~~3-414~~

~~414.1 Cancellation of any application for an Authority to Construct or Permit to Operate. The application will be restored upon payment.~~

~~414.2 Revocation of any authorization to conduct an asbestos operation or tank removal.~~

~~(Adopted August 2, 1995)~~

~~3-415~~

~~**Further Actions Against Delinquent Accounts:** In addition to the remedies provided in Section 3-414, the APCO may take the following additional actions:~~

~~415.1 Issuance of a Notice of Violation.~~

~~415.2 Revocation of an existing Permit to Operate. The APCO shall initiate proceedings to revoke permits to operate for any person whose account remains delinquent for more than one month. The revocation process shall continue until payment in full is made or until permits are revoked.~~

~~415.3 The withholding of any other services as deemed appropriate until payment in full is made.~~

~~415.4 The APCO may require payment in full for all future services.~~

~~(Adopted August 2, 1995)~~

3-416

Adjustment of Fees: The APCO or designees may, upon finding administrative error by District staff in the calculation, imposition, noticing, invoicing, and/or collection of any fee set forth in this rule, rescind, reduce, increase, or modify the fee. A request for such relief from an administrative error, accompanied by a statement of why such relief should be granted, must be received within two year from the date of payment.

(Adopted October 8, 1997)